

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: Christopher S. Graham and Sara N.
Graham

Debtors

US Bank Trust National Association, as
Trustee of the PRP II Pals Investments Trust

v.

Sara N. Graham fka Sara N. Smith
Christopher S. Graham

Respondents

and

Ronda J. Winnecour, Trustee

Additional Respondent

CHAPTER 13

CASE NO. 15-70664-JAD

**MOTION FOR WITHDRAWAL OF MOTION FOR RELIEF FROM THE AUTOMATIC
STAY**

By: /s/ Matthew Gross
Matthew Gross, Esquire
DWALDMANLAW, P.C.
Attorneys for Movant
4900 Carlisle Pike, #182
Mechanicsburg, PA 17050
844-899-4162

Date: November 2, 2016

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CASE NO. 15-70664-JAD

MOTION NO. FILED UNDER LOCAL
BANKRUPTCY RULE 9013.4 SECTION 6

**MOTION FOR WITHDRAWAL OF MOTION OF US BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE OF THE PRP II PALS INVESTMENTS TRUST FOR
RELIEF FROM AUTOMATIC STAY UNDER SECTION 362 PURSUANT TO
BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its Attorneys, DWALDMANLAW, P.C., hereby requests a withdrawal of the Motion for Relief from the Automatic Stay.

1. Movant is US Bank Trust National Association, as Trustee of the PRP II Pals Investments Trust.
2. Movant erroneously filed against the wrong Debtors through honest mistake, based on the mortgage holder, Christopher Graham.
3. This motion and the averments contained therein do not constitute a waiver by Moving Party of its right to seek a Motion for Relief in the proper case against the correct Debtors.

WHEREFORE, Movant respectfully requests that this Court enter an order withdrawing the Motion for Relief from the Automatic Stay and allow Movant or its Successor or Assignee or to file a Motion for Relief in the proper case.

Respectfully submitted,

By: /s/ Matthew Gross

Matthew Gross, Esquire

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CERTIFICATE OF SERVICE

I hereby certify that service upon all interested parties, indicated below, was made by sending true and correct copies of the Motion of Movant above for Withdrawal of the Motion for Relief from Automatic Stay and Notice of Motion, by First Class mail.¹

Date Served: November 2, 2016

Persons Served:

Michael N. Vaporis
26 South Sixth Street
Indiana, PA 15701

Christopher S. Graham and Sara N. Graham
208 Carlisle St.
Homer City, PA 15748

Ronda J. Winnecour, Trustee
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219

Office of the United States Trustee, U.S. Trustee
Liberty Center
1001 Liberty Ave., Suite 970
Pittsburgh, PA 15222

¹ Parties served by the court via ECF electronic notification are not also being served by regular mail.

By: /s/ Matthew Gross

Matthew Gross, Esquire
DWALDMANLAW, P.C.
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ORDER TO WITHDRAW MOTION

AND NOW, this _____ day of _____, 20_____, upon Motion
of Mortgagee, US Bank Trust National Association, as Trustee of the PRP II Pals Investments
Trust, for Withdrawal of the Motion for Relief from Automatic Stay, it is

ORDERED AND DECREED THAT: The Motion for Relief from the Automatic Stay
filed by US Bank Trust National Association, as Trustee of the PRP II Pals Investments Trust is
WITHDRAWN; and it is further

ORDERED THAT: The withdrawal of this Motion shall not bar Movant from seeking
relief under the proper bankruptcy case under the Bankruptcy Code; and it is further

ORDERED THAT: the relief granted by this order shall be effective immediately.

Honorable Jeffrey A. Deller
United States Bankruptcy Judge

cc. Matthew Gross, Esquire
DWALDMANLAW, P.C.
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Mechanicsburg, PA 17050

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